REMARKS

At the outset, the Applicants thank the Examiner for the thorough review and consideration of the pending application. The Office Action dated August 8, 2007 has been received and its contents carefully reviewed.

Claims 1 and 4 are hereby amended to include the limitations of claims 7 and 8, respectively. Claims 7 and 8 have thus been cancelled without prejudice or disclaimer. No claims have been added. Accordingly, claims 1-6 are currently pending. Reexamination and reconsideration of the pending claims are respectfully requested.

The Office Action rejected claims 1-6 under 35 U.S.C. § 112, first paragraph, alleging that the claims are not enabled by the disclosure. Office Action at ¶ 8. The Office supports this assertion with the holding of *In re Mayhew*, 527 F.2d 1229 (CCPA 1976). Applicant respectfully traverses the rejection and asserts that the Office is incorrect in applying 35 U.S.C. § 112, first paragraph, and is misconstruing the holding in *Mayhew*. Regardless, in a sincere effort to expedite the prosecution of the present application, Applicant has amended claims 1 and 4 to recite the limitations of cancelled claims 7 and 8, respectively. Accordingly, Applicant requests that the Office withdraw the 35 U.S.C. § 112, first paragraph rejection.

The Office Action rejected claims 1-6 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,489,455 to *Spendel*. The Applicants respectfully traverse this rejection. As required in Chapter 2131 of the M.P.E.P., in order to anticipate a claim under 35 U.S.C. §102, "the reference must teach every element of the claim." The Applicants respectfully submit that *Spendel* does not teach at least, a first drying step "wherein a supply valve is closed during the first drying step," or "performing a second drying step after completion of the dewatering step, wherein the warm air re-circulates through the conduit where the warm air passes from the drum into the conduit and is returned to the drum and a supply valve provides water to the conduit during the second drying step," as recited in independent claim 1, and similarly recited in independent claim 4.

Spendel teaches an apparatus for laundering textiles that performs a laundering cycle. After the laundering cycle is complete, the device of *Spendel* is capable of performing a drying

cycle. *See* column 8, lines 58-60. However, during the drying cycle, the diverter valve 168 is positioned such that "fresh air is drawn into duct 171 and routed through the heater...the moist air [is] withdrawn [and] is discharged to the atmosphere." *See* column 9, lines 2-5. Since fresh air is drawn into the duct and the air from the drum is discharged to the atmosphere, *Spendel* does not disclose, but in fact teaches away from "performing a second drying step after completion of the dewatering step, wherein the warm air re-circulates through the conduit where the warm air passes from the drum into the conduit and is returned to the drum and a supply valve provides water to the conduit during the second drying step," as recited in independent claim 1, and similarly recited in independent claim 4. Further, the Office admits that *Spendel* does not disclose even disclose supplying water to a conduit during a first drying step, let alone that "a supply valve is closed during the first drying step," as recited in independent claim 1, and similarly recited in independent claim 4.

For at least the aforementioned reason, the Applicants respectfully submit that claims 1 and 4 are patentably distinguishable over *Spendel*, and request that the rejection be withdrawn. Likewise, claims 2, 3, 5 and 6, which variously depend from claims 1 and 4 are also patentable for at least the same reason.

The Office Action rejected claims 1-6 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Application Publication No. 2001/0015082 to *Minayoshi et al.* (hereinafter "*Minayoshi*"). The Applicants respectfully traverse this rejection.

The Applicants respectfully submit that *Minayoshi* does not teach every element recited in claims 1-6 and therefore cannot anticipate these claims. More specifically, claim 1 recites a method of controlling a combination washer dryer, the method which includes simultaneously performing a dewatering step and a first drying step after completion of the washing and rinsing steps, wherein the first drying step includes re-circulating warm air through a conduit, and wherein the warm air passes from the drum into the conduit and is return to the drum and "performing a second drying step after completion of the dewatering step, wherein the warm air re-circulates through the conduit where the warm air passes from the drum into the conduit and is returned to the drum and a supply valve provides water to the conduit during the

second drying step." Claim 4 similarly recites these features. *Minayoshi* fails to disclose at least these features.

Minayoshi does not disclose "performing a second drying step after completion of the dewatering step... a supply valve provides water to the conduit during the second drying step." In fact, *Minayoshi* teaches "external air introduced by the cooling blower 27 disposed on a side wall of the enclosure 1 cools the outer tub 3 and an outer wall of the heat exchanger 12. The moist warm air is thus cooled while it passes by an inner wall of the outer tub 3 and through an inside of the heat exchanger 12." *See* page 3, paragraph [0051], lines 1-4. Therefore, *Minayoshi* does not anticipate the invention as required by the claims.

The Office has recited approximate five pages of text from the *Minayoshi* reference in response to Applicant's previous arguments, and asserts that "[t]he applicant's argument contradicts to the teaching of Minayoshi et al." Office Action at top of p. 6. Applicant's contend that this response is insufficient to meet the standard set forth in 37 C.F.R. 1.104, which reads as follows:

> "In rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command. When a reference is complex or shows or describes inventions other than that claimed by the applicant, **the particular part relied on must be designated** as nearly as practicable. **The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified**." (emphasis added)

Applicants reassert that *Minayoshi* does not disclose at least the step of supplying water to a conduit during a second drying step, and the Office has failed to show how Minayoshi discloses such a step as recited in independent claims 1 and 4.

Further, the Office admits that *Minayoshi* does not disclose even disclose supplying water to a conduit during a first drying step, let alone that "a supply valve is closed during the first drying step," as recited in independent claim 1, and similarly recited in independent claim 4.

For at least the aforementioned reason, the Applicants respectfully submit that claims 1 and 4 are patentably distinguishable over *Minayoshi*, and request that the rejection be withdrawn. Likewise, claims 2, 3, 5 and 6, which variously depend from claims 1 and 4 are also patentable for at least the same reason.

The Office Action rejected claims 1-6 under 35 U.S.C. §102(b) as being anticipated by the state of the prior art admitted by the applicants in the specification (hereinafter "*AAPA*"). The Applicants respectfully traverse this rejection.

The Applicant respectfully submits that *AAPA* does not disclose every element recited in claims 1-6 and therefore cannot anticipate these claims. More specifically, the *AAPA* does not disclose simultaneously performing a dewatering step and a first drying step. The *AAPA* recites that "drying begins upon completion of the dewatering step of the wash cycle." *See* page 3, paragraph [0006], line 1. Accordingly, *AAPA* does not disclose "simultaneously" performing a dewatering operation and a first drying operation, as recited in independent claim 1, and similarly recited in independent claim 4.

The Office states that "the manipulative step disclosed by *APAA* are the same as claimed." Office Action at p. 12. Applicants respectfully but strongly disagree with this statement, and request further evidence to support such a blanket assertion. For example, Applicants request that the Office point to where *APAA* discloses or even teaches such a limitation of simultaneously dewatering and circulating warm air as recited in independent claim 1, and similarly recited in independent claim 4.

Further, the Office admits that *APAA* does not disclose even disclose supplying water to a conduit during a first drying step, let alone that "a supply valve is closed during the first drying step," as recited in independent claim 1, and similarly recited in independent claim 4.

For at least the aforementioned reason, the Applicants respectfully submit that claims 1 and 4 are patentably distinguishable over *AAPA*, and request that the rejection be withdrawn. Likewise, claims 2, 3, 5 and 6, which variously depend from claims 1 and 4 are also patentable for at least the same reason.

The Office Action rejected claims 1-8 under 35 U.S.C. §103(a) as being unpatentable over *Spendel* and *Minayoshi* in view of any one of *AAPA*, US Patent 7,021,088 to Hong et al. (hereinafter *Hong*), US Patent 6,722,165 to Woo et al. (hereinafter *Woo*), and US Patent 4,903,508 to Durazzani et al. (hereinafter *Durazzani*). Applicant respectfully traverses these rejections. Claims 7 and 8 have been cancelled, and the rejection thereto is thus moot.

First regarding *Hong*, it is noted that this reference is commonly owned, with the present application, by LG Electronics Inc. Assignment for the present application was recording at reel/frame 015256/0307 and assignment for *Hong* reference was recorded at reel/frame 013328/0624. Therefore, under 35 U.S.C. §103(c), *Hong* cannot be applied as prior art under 35 U.S.C. §103(a) against claims 1-6, because *Hong* qualifies as prior art only under 35 U.S.C. §102(e), and the subject matter of *Hong* and the claimed invention of this application were at the time of the invention made and owned by the same person, or subject to an obligation of assignment to the same person.

Similarly regarding *Woo*, it is noted that this reference is commonly owned, with the present application, by LG Electronics Inc. Assignment for the present application was recording at reel/frame 015256/0307 and assignment for *Woo* reference was recorded at reel/frame 012746/0208. Therefore, under 35 U.S.C. §103(c), *Woo* cannot be applied as prior art under 35 U.S.C. §103(a) against claims 1-6, because *Woo* qualifies as prior art only under 35 U.S.C. §102(e), and the subject matter of *Woo* and the claimed invention of this application were at the time of the invention made and owned by the same person, or subject to an obligation of assignment to the same person .

Regarding *Spendel* in view of *APAA* or *Durazzani*, *Spendel* positively teaches that during the drying portion of the cycle "the moist air [is] withdrawn from stationary drum 15 [and] is discharged to the atmosphere via connecting duct rather than being recirculated to the [system]." *See* column 9, lines 6-8. *Spendel* here actually teaches away from treating the moist or humid air during drying. It is noted that if the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. *In re*

Ratti, 270 F.2d 810, (CCPA 1959). *See* MPEP 2143.01 VI. Further, if a "suggested combination of references would require a substantial reconstruction and redesign of the elements shown in [the primary reference] as well as a change in the basic principle under which the [primary reference] construction was designed to operate," then the combination fails to show *prima facie* obviousness. 270 F.2d at 813, 123 USPQ at 352. In the present case Applicant notes that modifying *Spendel's* device with *APAA* or *Durazzani's* dehumidifiers would require a substantial reconstruction and redesign of *Spendel's* laundry system as well as a change in the basic method under which *Spendel* was designed to operate.

Further, at least *Durazzani* and *APAA* teach away from supplying water to the conduit during main drying (second drying step) and advantages of such water supplying only. However, there is no disclosure in *Durazzani* or *APAA* of not only a pre-drying step (first drying step) conducted simultaneously with a dewatering step but also a step "wherein a supply valve is closed during the first drying step," as recited in independent claim 1, and similarly recited in independent claim 4. Accordingly, even though *Durazzani* and *APAA* are applied with *Spendel*, they neither teach nor suggest closing the supply valve during the first drying step which is performed simultaneously with the dewatering step, as recited in independent claim 1, and similarly recited in independent claim 4.

Accordingly, Applicants respectfully submit that Office has failed to establish a *prima facie* case of obviousness and claims 1 and 4 are patentably distinguishable over *Spendel* in view of APAA or *Durazzani.* Claims 2, 3, 5 and 6, which depend either directly or indirectly from claims 1 and 4 are also patentably distinguishable for at least the same reasons as discussed above. Accordingly, Applicants respectfully request that the Office withdraw the 35 U.S.C. § 103(a) rejection of claims 1-6.

Regarding *Minayoshi's* in view of APAA or *Durazzani*, *Minayoshi* positively teaches that "external air introduced by the cooling blower 27 disposed on a side wall of the enclosure 1 cools the outer tub 3 and an outer wall of the heat exchanger 12. The moist warm air is thus cooled while it passes by an inner wall of the outer tub 3 and through an inside of the heat exchanger 12." *See* page 3, paragraph [0051], lines 1-4. It is noted that if the proposed modification or combination of the prior art would change the principle of operation of the prior

art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, (CCPA 1959). *See* MPEP 2143.01 VI. Further, if a "suggested combination of references would require a substantial reconstruction and redesign of the elements shown in [the primary reference] as well as a change in the basic principle under which the [primary reference] construction was designed to operate," then the combination fails to show *prima facie* obviousness. 270 F.2d at 813, 123 USPQ at 352. In the present case Applicant notes that modifying *Minayoshi's* device with *APAA* or *Durazzani's* dehumidifiers would require a substantial reconstruction and redesign of *Minayoshi's* laundry system as well as a change in the principle method under which *Minayoshi* was designed to operate.

Further, at least *Durazzani* and *APAA* teach away from supplying water to the conduit during main drying (second drying step) and advantages of such water supplying only. However, there is no disclosure in *Durazzani* or *APAA* of not only a pre-drying step (first drying step) conducted simultaneously with a dewatering step but also a step "wherein a supply valve is closed during the first drying step," as recited in independent claim 1, and similarly recited in independent claim 4. Accordingly, even though *Durazzani* and *APAA* are applied with *Minayoshi*, they neither teach nor suggest closing the supply valve during the first drying step which is performed simultaneously with the dewatering step, as recited in independent claim 1, and similarly recited in independent claim 4.

Accordingly, Applicants respectfully submit that Office has failed to establish a *prima facie* case of obviousness and claims 1 and 4 are patentably distinguishable over *Minayoshi* in view of *APAA* or *Durazzani*. Claims 2, 3, 5 and 6, which depend either directly or indirectly from claims 1 and 4 are also patentably distinguishable for at least the same reasons as discussed above. Accordingly, Applicants respectfully request that the Office withdraw the 35 U.S.C. § 103(a) rejection of claims 1-6.

The application is in condition for allowance and early, favorable action is respectfully solicited. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-

7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911.

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Respectfully submitted,

By _____

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